

IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA

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U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

CIVIL ACTION NO. 2:07cv335-F  
(To be supplied by Clerk of  
U.S. District Court)

Joe Benoit Martin #208789  
Full name and prison number  
of plaintiff(s)

v.

STATE OF ALABAMA Dept. of Corr.

Leon Forniss Warden (STATON)

Richard Allen Commissioner

Edward Robinson Capt. ADOC

Billy Pitman Lt. ADOC et al.  
Name of person(s) who violated  
your constitutional rights.  
(List the names of all the  
persons.)

I. PREVIOUS LAWSUITS

- A. Have you begun other lawsuits in state or federal court dealing with the same or similar facts involved in this action? YES ( ) NO (X)
- B. Have you begun other lawsuits in state or federal court relating to your imprisonment? YES ( ) NO (X)
- C. If your answer to A or B is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff(s) N/A  
}

Defendant(s) N/A  
}

2. Court (if federal court, name the district; if state court, name the county)

N/A

3. Docket number N/A
4. Name of judge to whom case was assigned N/A
5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) N/A
6. Approximate date of filing lawsuit N/A
7. Approximate date of disposition N/A

II. PLACE OF PRESENT CONFINEMENT STATON CORRECTIONAL CENTER  
Elmore, Alabama

PLACE OF INSTITUTION WHERE INCIDENT OCCURRED Elmore County  
Elmore, AL.

III. NAME AND ADDRESS OF INDIVIDUAL(S) YOU ALLEGE VIOLATED YOUR CONSTITUTIONAL RIGHTS.

NAME	ADDRESS
1. <u>Richard Allen (Commissioner)</u>	<u>P.O. Box 301501 Montgomery, AL 36130</u>
2. <u>Leon Forniss (warden)</u>	<u>P.O. Box 56 Elmore, AL 36025</u>
3. <u>Capt. Edward Robinson</u>	<u>P.O. Box 56 Elmore, AL 36025</u>
4. <u>LT. Billy Pittman</u>	<u>P.O. Box 56 Elmore, AL 36025</u>
5. <u>Sgt. M. Sanford</u>	<u>P.O. Box 56 Elmore, AL 36025</u>
6. <u>LT. W. Copeland</u>	<u>P.O. Box 56 Elmore, AL 36025</u>

IV. THE DATE UPON WHICH SAID VIOLATION OCCURRED 1<sup>ST</sup> Feb. 2, 2007,  
MARCH 27, 2007, 2<sup>ND</sup>

V. STATE BRIEFLY THE GROUNDS ON WHICH YOU BASE YOUR ALLEGATION THAT YOUR CONSTITUTIONAL RIGHTS ARE BEING VIOLATED:

GROUND ONE: Failure To provide Adequate security before  
And After verbal AND physical ASSAULT by ANOTHER INMATE.

STATE BRIEFLY THE FACTS WHICH SUPPORT THIS GROUND. (State as best you can the time, place and manner and person involved.)

Plaintiff MARTIN WAS ASSAULTED FIRST ON Feb. 2, 2007 ON 1<sup>ST</sup> SHIFT BY INMATE Robert Hardy AND AN UNIDENTIFIED INMATE, WHILE HE WAS SLEEPING. INMATE Hardy WAS CHARGED AND CONVICTED OF BEING IN AN UNAUTHORIZED AREA AND ASSAULT ON AN INMATE, ON Feb. 13, 2007, ON 3<sup>RD</sup> SHIFT INMATE Hardy Verbally Threatened The plaintiff AND This incident WAS REPORTED (CONTINUED)

GROUND TWO: LACK OF SECURITY IN SAID INSTITUTION DUE TO indifference AND over-crowding.

SUPPORTING FACTS: The deliberate indifference shown by defendants, Capt. Robinson, Lt. Pittman, Lt. Copeland, and Sgt Sanford Toward INMATE MARTIN'S safety is a clear violation of the plaintiff's rights in THAT having been made aware of The ~~Violent~~ Violent NATURE of inmate Hardy, NOTHING of substance WAS done TO protect The plaintiff. The smoke-screen presented by The ALABAMA - continued

GROUND THREE: Failure To Adhere To ADOC regulations regarding separation of KNOWN enemies.

SUPPORTING FACTS: Separating KNOWN enemies such as The plaintiff AND inmate Hardy is AN integral part of The ADOC rules AND regulations in order TO maintain security within AN institution AND also TO adhere ~~to~~ TO The CONSTITUTIONAL guarantee TO protect A person or persons from cruel AND unusual punishment.

VI. STATE BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU. MAKE NO LEGAL ARGUMENT. CITE NO CASES OR STATUTES.

For The Court To enjoin ADOC From RETALIATING Against The  
plaintiff by COERCION, Transfer or ANY other means. For The Court  
To grant in any Form<sup>of relief</sup> deemed reasonable by The Court

Joe B. Madsen  
Signature of plaintiff(s)

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on APRIL 16, 2007.  
(Date)

Joe B. Madsen  
Signature of plaintiff(s)

Ground One: Continued.

To Lt. W. Copeland on first shift. No action was taken.

The third verbal and physical assault on the plaintiff by inmate Hardy happened on 3<sup>rd</sup> shift. The plaintiff was charged for fighting without a weapon, though plaintiff was clearly defending himself from the attack by inmate Hardy. Inmate Hardy was convicted of fighting without a weapon but as of this date inmate Hardy is still in population, free to assault the plaintiff without warning. All these incidents were reported to the person listed as defendants in this action.

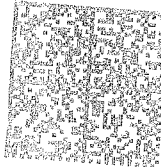
Ground Two: Continued

Dept. of Corrections, ADOC, in their claim that they are doing everything possible to relieve over-crowding is only an attempt to circumvent federal law prohibiting any state to subject a person to cruel and unusual punishment forbade by the United States Constitution.

See B Martin 208789  
031-1184  
STATION CORR. FAC.  
P.O. Box 56  
Elmore AL 36025  
95777

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